## **Claims**

- [c1] What is claimed is:
  - 1.A method of forming a gate structure comprising: providing a substrate, and consecutively forming a gate oxide layer, a polysilicon layer, a silicide layer, and a cap layer onto the substrate; etching a portion of the cap layer, the silicide layer, and the polysilicon layer, and stopping etching on the polysilicon layer to form a stacked gate structure; removing a portion of the silicide layer exposed on sidewalls of the stacked gate structure for forming a recess on the sidewalls of the stacked gate structure; filling a passivation layer into the recess; and removing the remaining polysilicon layer and the gate oxide layer outside the sidewalls of the stacked gate structure.
- [c2] 2.The method of claim 1 wherein the steps of forming the stacked gate structure further comprises: coating a photoresist layer onto the cap layer; performing an exposure process and a development process by a photo mask to remove a portion of the photoresist layer for forming a photoresist pattern; and

utilizing the photoresist pattern as a hard mask to remove the cap layer, the silicide layer, and a portion of the polysilicon layer not covered by the photoresist pattern.

- [c3] 3.The method of claim 2 further comprising a step of removing the photoresist pattern after removing the polysilicon layer and the gate oxide layer outside the sidewalls of the stacked gate structure.
- [c4] 4.The method of claim 1 wherein forming the stacked gate structure comprises:
  forming a patterned silicon oxynitride layer; and utilizing the patterned silicon oxynitride layer as a hard mask to remove the cap layer, the silicide layer, and a portion of the polysilicon layer not covered by the patterned silicon oxynitride layer.
- [c5] 5.The method of claim 4 further comprising a step of removing the patterned polysilicon oxynitride layer after removing the polysilicon layer and the gate oxide layer outside the sidewalls of the stacked gate structure.
- [c6] 6.The method of claim 1 wherein the silicide layer comprises tungsten silicon.
- [c7] 7. The method of claim 1 wherein the recess is formed by removing a portion of the silicide layer using an ammo-

- nium hydrogen peroxide mixture (APM) solution.
- [08] 8.The method of claim 1 wherein the passivation layer comprises silicon nitride.
- [09] 9.The method of claim 1 wherein filling the passivation layer into the recess further comprises:
  depositing a silicon nitride layer onto the polysilicon layer and filling the recess; and performing an anisotropic etching process to remove the silicon nitride layer outside the recess.
- [c10] 10.A method of forming a gate structure comprising: providing a substrate, and consecutively forming a gate oxide layer, a polysilicon layer, a silicide layer, and a cap layer onto the substrate; forming a patterned mask layer on the cap layer; etching the cap layer, the silicide layer, and a portion of the polysilicon layer, and stopping etching on the polysilicon layer to form a stacked gate structure; removing a portion of the silicide layer exposed on sidewalls of the stacked gate structure with an etching solution to form a recess;

depositing a passivation layer onto the polysilicon layer and filling the recess, and performing an anisotropic etching process to remove the passivation layer outside the recess;

removing the polysilicon layer and the gate oxide layer not covered by the patterned mask layer; and removing the patterned mask layer.

- [c11] 11.The method of claim 10 wherein the patterned mask layer comprises silicon oxynitride.
- [c12] 12.The method of claim 10 wherein the steps of forming the patterned mask layer comprises:
  forming a silicon oxynitride layer on the cap layer;
  coating a photoresist layer on the silicon oxynitride;
  performing an exposure process and a development
  process by using a photo mask to form a photoresist
  pattern;
  utilizing the photoresist pattern as a hard mask to remove the silicon oxynitride not covered by the photoresist pattern; and
- [c13] 13.The method of claim 10 wherein the silicide layer comprises tungsten silicon.

removing the photoresist pattern.

- [c14] 14. The method of claim 10 wherein the etching solution is an ammonium hydrogen peroxide mixture (APM) solution.
- [c15] 15.The method of claim 10 wherein the passivation layer comprises silicon nitride.